

CANON 3
**A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL
OFFICE IMPARTIALLY AND DILIGENTLY**

* * * * *

D. Disciplinary Responsibilities.

* * * * *

(3) A judge who is charged by prosecutorial complaint, information, or indictment or convicted of a crime in the United States, other than one that would be considered a misdemeanor not involving moral turpitude or an infraction under California law, but including all misdemeanors involving violence (including assaults), the use or possession of controlled substances, the misuse of prescriptions, or the personal use or furnishing of alcohol, shall promptly and in writing report that fact to the Commission on Judicial Performance.

1

2 **CANON 6**

3

4 **COMPLIANCE WITH THE CODE OF JUDICIAL ETHICS**

5

6 * * *

7 D. Temporary Judge, Referee, or Court-appointed Arbitrator.*

8

9 A temporary judge, a person serving as a referee pursuant to Code of Civil
10 Procedure section 638 or 639, or a court-appointed arbitrator ~~while actually serving in any~~
11 ~~of these capacities~~ shall comply only with the following ~~provisions of this Code~~ provisions:

12

13 ~~1~~ Integrity and independence of the judiciary

14 ~~2A,B,C~~ Public confidence, impartiality of the

15 ~~judiciary, and membership in organizations~~

16 ~~3A,B~~ Judicial duties in general

17 ~~Adjudicative responsibilities~~

18 ~~3C(1),(2),(4)~~ Administrative responsibilities

19 ~~3D,E~~ Disciplinary responsibilities

20 ~~Disqualification~~

1 4A,B ~~Extrajudicial activities in general~~

2 4C(3)(c)(i) ~~Service as an officer, director, trustee, or~~

3 ~~nonlegal advisor~~

4 4C(1) ~~Appearance at public hearings~~

5 4C(3)(d)(iii),(iv) ~~Use of judicial office for fund raising by~~

6 ~~officer, director, trustee, or nonlegal~~

7 ~~advisor~~

8 4D(1)(a) ~~Financial and business dealings that exploit~~

9 ~~the judicial position~~

10 4D(5) ~~Gifts from those who have come or are~~

11 ~~reasonably likely to come before the judge~~

12 5B,C ~~Statements by candidates for judicial office~~

13 ~~Speeches at political gatherings by candidates~~

14 ~~for judicial office~~

15

16 ~~A person who has been a temporary judge, referee, or court appointed arbitrator~~

17 ~~shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any~~

18 ~~other proceeding related thereto except as otherwise permitted by rule 3-310 of the Rules~~

19 ~~of Professional Conduct.~~

20

* Reference should be made to relevant commentary to analogous or individual canons cited or described in

1 (1) A temporary judge, referee or court-appointed arbitrator shall comply with
2 Canons 1 [integrity and independence of the judiciary], 2A [promoting public
3 confidence], 3B(3) [order and decorum] and (4) [patient, dignified, and courteous
4 treatment], 3B(6) [require lawyers to refrain from manifestations of any form of bias or
5 prejudice], 3D(1) [action regarding misconduct by another judge] and (2) [action
6 regarding misconduct by a lawyer], when the temporary judge, referee or court-appointed
7 arbitrator is actually presiding in a proceeding or communicating with the parties, counsel,
8 or court personnel while serving in the capacity of a temporary judge, referee or court-
9 appointed arbitrator in the case.

10
11 (2) A temporary judge, referee or court-appointed arbitrator shall, from the time of
12 notice and acceptance of appointment until termination of the appointment:

13
14 (a) Comply with Canons 2B(1) [not allow family or other relationships to
15 influence judicial conduct], 3B(1) [hear and decide all matters unless disqualified] and (2)
16 [be faithful to and maintain competence in the law], 3B(5) [perform judicial duties
17 without bias or prejudice], 3B(7) [accord full right to be heard to those entitled; avoid ex
18 parte communications, except as specified] and (8) [dispose of matters fairly and
19 promptly], 3C(1)[discharge administrative responsibilities without bias and with
20 competence and cooperatively], (2) [require staff and personnel to observe standards of

[this canon and appearing elsewhere in this Code.](#)

1 conduct and refrain from bias and prejudice]]and (4) [make only fair, necessary, and
2 appropriate appointments];

3
4 (b) Not lend the prestige of judicial office to advance his, her, or another person's
5 pecuniary or personal interests and not use his or her judicial title in any written
6 communication intended to advance his, her, or another person's pecuniary or personal
7 interests, except to show his, her, or another person's qualifications;

8
9 (c) Not personally solicit memberships or donations for religious, fraternal,
10 educational, civic, or charitable organizations from the parties and lawyers appearing before
11 the temporary judge, referee, or court-appointed arbitrator;

12
13 (d) Under no circumstance accept a gift, bequest, or favor if the donor is a party,
14 person, or entity whose interests are reasonably likely to come before the temporary judge,
15 referee, or court-appointed arbitrator. A temporary judge, referee, or court-appointed
16 arbitrator shall discourage members of the judge's family residing in the judge's household
17 from accepting benefits from parties who are reasonably likely to come before the
18 temporary judge, referee, or court-appointed arbitrator.

19
20 (e) Disqualify himself or herself in any proceeding in which disqualification is
21 required by law;

1
2 (f) In all proceedings, disclose in writing or on the record information as required
3 by law, or information that the temporary judge, referee or court-appointed arbitrator
4 believes the parties or their lawyers might consider relevant to the question of
5 disqualification, even where it is believed that there is no actual basis for disqualification;
6 and

7
8 (g) In all proceedings, disclose in writing or on the record membership in any
9 organization that practices invidious discrimination on the basis of race, sex, religion,
10 national origin, or sexual orientation, except for membership in a religious or an official
11 military organization of the United States and membership in a nonprofit youth organization
12 so long as membership does not violate Canon 4A [conduct of extrajudicial activities].

13
14 (3) A temporary judge, referee, or court-appointed arbitrator, from the time of
15 notice and acceptance of appointment until the case is no longer pending in any court, shall
16 not make any public comment about a pending or impending proceeding in which the
17 temporary judge, referee, or court-appointed arbitrator has been engaged, and shall not
18 make any nonpublic comment that might substantially interfere with such proceeding. The
19 temporary judge, referee or court-appointed arbitrator shall require similar abstention on the
20 part of court personnel subject to his or her control. This Canon does not prohibit the
21 following:

1
2 (a) Statements made in the course of the official duties of the temporary judge,
3 referee or court-appointed arbitrator; and
4

5 (b) Explanations for public information about the procedures of the court.
6

7 (4) From the time of appointment and continuing for two years after the case is no
8 longer pending in any court, a temporary judge, referee or court-appointed arbitrator shall
9 under no circumstances accept a gift, bequest, or favor from a party, person, or entity whose
10 interests have come before the temporary judge, referee or court-appointed arbitrator in the
11 matter. The temporary judge, referee or court-appointed arbitrator shall discourage family
12 members residing in the household of the temporary judge, referee or court-appointed
13 arbitrator from accepting any benefits from such parties, persons or entities during the time
14 period stated in this subdivision. The demand for or receipt by a temporary judge, referee
15 or court appointed arbitrator of a fee for his or her services rendered or to be rendered shall
16 not be a violation of this Canon.
17

18 (5) A temporary judge, referee or court-appointed arbitrator shall, from time of
19 notice and acceptance of appointment and continuing indefinitely after the termination of
20 the appointment:
21

1 (a) Comply with Canons 3(B)(11) [no disclosure of nonpublic information
2 acquired in a judicial capacity] (except as required by law);

3
4 (b) Not commend or criticize jurors sitting in a proceeding before the temporary
5 judge, referee or court-appointed arbitrator for their verdict other than in a court order or
6 opinion in such proceeding, but may express appreciation to jurors for their service to the
7 judicial system and the community.

8
9 (6) A temporary judge, referee or court-appointed arbitrator shall comply with
10 Canon 6D(2) until the appointment has been terminated formally or until there is no
11 reasonable probability that the temporary judge, referee or court- appointed arbitrator will
12 further participate in the matter. A rebuttable presumption that the appointment has been
13 formally terminated shall arise if, within one year from the appointment or from the date of
14 the last hearing scheduled in the matter, which ever is later, neither the appointing court nor
15 counsel for any party in the matter has informed the temporary judge, referee or court
16 appointed arbitrator that the appointment remains in effect.

17
18 (7) A lawyer who has been a temporary judge, referee, or court-appointed
19 arbitrator in a matter shall not accept any representation relating to the matter without the
20 informed written consent of all parties.

1 (8) When by reason of serving as a temporary judge, referee, or court-appointed
2 arbitrator in a matter, he or she has received confidential information from a party, the
3 person shall not, without the informed written consent of the party, accept employment in
4 another matter in which the confidential information is material.

5 * * *